



Foreward

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FOREWORD

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Common though it may be, it is always dangerous to announce a new book – or any scholarly project, for that matter – by speaking of a lacuna in the literature that it is about to fill. For one thing, to presume a “gap” in existing knowledge is to presume that the contours of that knowledge exist *a priori*, unmediated by the processes of its ongoing production; a presumption that, philosophically-speaking, might live well with crude empiricism and with encyclopaedophilia, but *not* with a critical anthropology. For another thing, altogether more basic, there ought always be more to commend intellectual production than to liken it to therapeutic dentistry, the sort that repairs cavities. This is certainly the case with *Police in Practice*, which makes a distinctive contribution – alike ethnographic, conceptual, and analytical – to a pressing topic of our times.

That said, remarkably little of substance *has* been written to date on the anthropology of police and policing *per se*; this in stark contrast to the other social sciences, especially sociology, which, in some places, seems to be dissolving into criminology. There have been a few notable exceptions, of course; one of the most remarkable, perhaps, is Malcolm Young’s *An Inside Job: Policing and Police Culture in Britain* (1991), a doctoral ethnography written in Britain by a former cop-turned-anthropologist. The lacuna is particularly noteworthy because social control in general, and crime in particular, have been recursive concerns throughout the history of modern anthropology, from Malinowski’s *Crime and Custom in Savage Society* (1926) to James Siegel’s *A New Criminal Type in Jakarta* (1998), Teresa Caldeira’s *City of Walls* (2000), and Parnell and Kane’s *Crime’s Power* (2003), not to mention a great deal of other

writings along the way.¹ This is all the more so since anthropology has left the reservation, ceased to see its primary subject matter as “traditional societies,” taken both colonialism and the modern world order into its analytic purview, and, latterly, paid increasing attention to the nation-state and its transformations.

It also is noteworthy for another reason, one of which William Garriott reminds us graphically in his Introduction below: the fact that the contemporary age is marked by “police fetishism” – Robert Reiner’s term – which takes as axiomatic that police are a “prerequisite of social order,” or even, as Derrida (2002:276) had it (Jauregui, *infra*), that they actually “are the state...if not the lawmaker of modern times.” We have come a long way since Michael Banton (1964:1) could argue, quite plausibly, that “the police are relatively unimportant in the enforcement of law.” Or that Jane Jacobs (1961) could state with confidence that “social order is *not* brought about by policemen” (see Scott 1998:135-6). These days, with the political centrality of discourses of law and order, and, almost everywhere, with a growing mood of “popular punitiveness” (cf. Bottoms 1995; Haggerty 2001:197), it is difficult, *prima facie*, to disagree with Reiner; although, as the essays below make plain, there are many parts of the world in which cops are regarded, ambivalently, as *both* a positive presence, a “prerequisite of social order” *and* a popular nightmare, a dark, often excessively violent force that undermines that very order, blurring the line between those who administer the law and those who evade, erode, and exploit it. Perhaps it is this very doubling, this simultaneous embodiment of order and its unraveling, of promise and nightmare, that underlies the fetishization of police. More immediately, the fact that *policing*, as a socio-legal phenomenon, has become as focal as it has in the discourses of our times merely reiterates the point that it is surprising how little specifically anthropological attention has been given to it.

¹ There are also some noteworthy ethnographies that deal with vernacular narratives of crime in contemporary – especially post-conflict and post-revolutionary, societies; for just one example, see Ellen Moodie’s *El Salvador in the Aftermath of Peace* (2010).

The current volume, and the work by the contributors to it, make plain that this is changing, at once emphatically and productively: that the anthropology of policing is establishing itself as critical field of inquiry both *für sich* and as a significant site of general theory-work in a world in which the metaphysical, meaningful, ethical, and pragmatic bases of order and the law, of power and violence, of citizenship and the state, even of society, are deeply in question. This is a world, as Jonathan Simon (2007) has said of North America, increasingly “govern[ed] through crime” and “a culture of fear.” In it, entire classes and categories of person – those marked by race, poverty, and, in some instances, faith – find themselves criminalized, their socio-scapes often reduced to carceral sites (see e.g. Waquant 2001). In it, also, many species of social action once taken to be the democratic expression of free citizens are treated as felonies against property or public order. It is a world, self-evidently, in which the practice of policing has become a saturating dimension of the ecology of everyday life (Martin, *infra*) – sometimes in new ways, sometimes in hyperbolic extension of older ones – and hence of any anthropology that would seek to make sense of it.

To the degree that anthropological perspectives on policing have taken shape to date, they appear to have been variously influenced – wittingly or otherwise, more or less critically – by four broad theoretical touchstones. Or, if you prefer, dispositions, discourses, genealogies. The first derives from the Weberian orthodoxy, still manifest in much scholarly work, that attributes to the state a monopoly over the means of legitimate coercion, a monopoly vested in police for purposes of law and in the military for purposes of war. This is in spite of the fact that, historically-speaking, there have been many exceptions and exclusions: imperial charter companies and other large-scale colonial business enterprises, for example, often ran their own private police forces (see e.g. Worger 1987) – just as do corporations engaged in enclaved extractive industries in postcolonial Africa (Ferguson 2006:37) – with little no state oversight. It

is also in spite of the fact that both policing and military operations are now widely, and increasingly, outsourced to the private sector: in the USA, for instance, “three times as many persons are employed in private forces as in official law enforcement agencies” (Singer 2003:69); in South Africa, the ratio is four to one (Comaroff and Comaroff n.d.). Yet more fundamental is the fact that legitimacy, however it may be defined, is a notoriously elusive signifier; *vide* Janet Roitman’s (2006) subtle exploration of the complex lines of distinction between the il/illicit, the il/legal, and the il/legitimate in the Chad basin, in its policing and its vernacular forms of criminality; what precisely constitutes *legitimate* coercion in any real-life situation rarely goes uncontested. True, in many parts of the world, the organic anthropologies and vernacular ideologies with which law enforcement agencies *themselves* work are profoundly Weberian. Apart from all else, police spend a great deal of effort in husbanding their monopoly over the perpetration of violence, sometimes by spectacular shows of force, sometimes by the careful management of images; this is why so many of them devote substantial resources on public “information” and “education,” and why they often invest heavily in mass-mediated self-representation² – even to the extent of fabricating dramaturgies of disorder in order to establish their claim to counter them by extraordinary means (Comaroff and Comaroff 2004). Little wonder, then, that the question of legitimate violence, and its paradoxes, is interrogated in the present volume. With great profit, to be sure.

Talk of legitimate violence provides an obvious segue into the second theoretical touchstone: Walter Benjamin’s *Critique of Violence*, in which a relatively brief, rather general passage – no more than a long paragraph, really – has spawned a great deal of scholarly reflection on policing. It also stands as a cogent counter to the Weberian idealism, indeed the romance, of much functionalist sociology and criminology. Recall Walter Benjamin (1999:286-7)

² Many police forces produce their own “actuality” television shows. In South Africa, for example, the South African Police Services aired *Crime Watch* for many years; its re-runs are still shown. Others cooperate closely in the making of both fictional and documentary programs. A few even have their own tv channels and news services.

here. Police violence, he observed, may “[exist] for *legal ends*” in so far as it inheres in the exercise of a foundational right; hence Weber’s attribution to it of legitimacy, a.k.a. authority. But, in practice, it marks the point at which the capacities of the state run out, thus to intervene “where no clear legal situation exists.” Even more, it does so in such a way as to erase the line between *preserving* the law and *making* it. This last point – the erasure of the line – has been stressed by those who have followed Benjamin, often without paying attention to his own caveat that “the ‘law’ of the police...marks the point at which the state...can no longer guarantee through the legal system the empirical ends that it desires at any price to attain”; even more, and more starkly, by those who would elide entirely, as Derrida has done (see above), the state, the police, and the pragmatics of lawmaking. It is arguable that, to a degree at least, Benjamin himself allows this elision. For one thing, he portrays policing in “civilized states” as a perennial, pervasive “[accompaniment to] the citizen as a brutal encumbrance through a life regulated by ordinances, or simply [supervision]”; shades here, as we shall see, of the early Foucault. For another, Benjamin speaks of modern police violence, as “formless,” a promiscuous, “spectral mixture” (p.286), concocted, as Joe Masco notes in his Afterword, typically under the sign of security – especially in democracies, which “[bear] witness to the greatest conceivable degeneration of violence” (p.287). No wonder, again, that strong traces of Benjamin’s characterization of policing, now almost a century old, are to be found throughout this volume, admirably re-membered, re-mastered, and remixed into the history of the present. Of which more in a moment.

The question, largely left mute by Benjamin himself, is security for whom? Police violence, legally authorized or not, in the protection of what? G.K. Chesterton, in *The Man Who Was Thursday: A Nightmare* ([1908]1986), believed the answer to lie in the fight against anarchy, personified, in particular, by that “most dangerous criminal,..the entirely lawless

modern philosopher” (p.45). Our third theoretical touchstone, by contrast, seeks an explanation at the point of intersection between the material and the social. Marxist in its genealogy,³ its situates the rise of modern policing in relations of class and property, broadly conceived; the very same property that Proudhon, the noted anarchist philosopher, was wont to regard as theft. The first modern constabulary, it is often said – if not altogether accurately, as Garriott reminds us in his Introduction below – to have been established in the late 1820's, during the industrial revolution in Great Britain. Substantively-speaking, for Marxist historiography, the origins of modern policing date back to Hobsbawm's *Age of Revolution, 1789-1848* (1962), to the triumph of a “conquering bourgeoisie” (p.19), with its stress on the primacy of private property, of what Macpherson (1962) was to dub “possessive individualism,” above all else: private property as the most inviolable of the rights of citizens; private property as the material grounding of the common good; private property as the basis of public order, ethical self-possession, and civil society; private property as the infrastructure of the modernist nation and its moral economy (Thompson 1993:185-351); private property, one might add, as the practical philosophy of a new liberalism, the mindscape of a rising Leviathan. As property rights became increasingly privatized in Euro-America and its colonies, goes this story, policing became an ever more taken-for-granted, and fully-paid, function of government, of the *public* sphere. And, as Mandel (1948) points out, it dedicated itself less to the oppressive control of unruly populations, save under exceptional conditions, than to the protection of the assets, effects, and interests of individuals, human and legal (i.e. corporations, *qua* “legal persons”); of the property of those, it was said – after the early Marx – who controlled both the corridors of power and the means of production. Thus it was that a monopoly over the deployment of legitimate force, the policing function, *became* a prerogative of the modernist capitalist state –

³ Marx himself, it has been noted (e.g. in Maguire, Morgan, and Reiner 2007:124), did not have much to say specifically about policing, violence, criminality, or criminal justice; however, a well-established Marxist criminology has arisen on the foundation of his theory-work in political economy.

not as an intrinsic feature of the latter, but in the process of its emergence as a *social* formation, one founded on a historically-particular regime of property, itself dialectically entailed in an order of relations among classes of citizens. Whatever its shortcomings, this version of the Marxist narrative has some cogent evidence to support it. Which is why the policing of private property – and, concomitantly, the policing of the poor – commands the attention of some of the contributors to this book.

But a vision of policing that sees it primarily as violence in the protection of property and the rights of persons, compelling as it clearly is in many contexts, may be censured for a certain narrowness of focus. Hence the fourth theoretical touchstone, which takes its inspiration, not surprisingly, from Foucault, especially from his early work. *Discipline and Punish* (1995), it hardly need be said here, locates the archaeology of the modern subject, and of modernist subjection in the move away from premodern punitive technologies that emphasized spectacles of publically-inflicted pain toward the administrative micro-physics of everyday surveillance, discipline, and capillary self-regulation. *Policing*, from this perspective, exceeds the work of the police per se. It is diffused everywhere into the social and institutional order (cf. Martin, *infra*). The latter, for their part, are increasingly banalized: they are rebranded as a benign public agency, under logos like “*Serve and Protect*.” Their criminal anthropology stresses “the community,” which becomes *both* the object and the subject of oversight and enforcement, as well as the domesticated terrain of the friendly beat cop – or, in less friendly precincts, of a form of policing based on the familiarity of close-distance; it portrays those on whom police officers continue to inflict more or less spectacular violence as anti-citizens, those beyond the secured zones of civility, be they unwanted migrants, refugees, or homegrown *lumpen*; its rhetoric of decisive force and of zero tolerance is softened by the argot of human rights and an ethics of care. Which is why “governing through crime” and a culture of “popular punitiveness” can

coexist easily with a regime of rigorous surveillance and enforcement represented as public service.

As important, Foucaultians would note, is how the routine police-work is implicated in the construction and regulation of populations *tout court*, all the more so, to borrow a turn of phrase from Tom Vanderbilt (1997:141), as those populations turn from “bodies politique” into that new behemoth, the “body demographic”: how police geography redraws the topography of nation-states – even now, the globe (Stalcup, *infra*) – mapping out the axes of sovereign jurisdiction, surveillance, security, danger, disposability, exclusion, even the necropolitics of “disappearance” (cf. Caldeira, *infra*); how police anthropologies identify, reify, and typify social categories in ways that either enter into, or sustain, patterns of popular consciousness;⁴ how police sociologies serve to sediment the shifting lines of the normal, the criminal, and the pathological, and extend administrative and bureaucratic rationalities to them; how police semiotics give meaning to our vernacular conceptions of crime and dis/order in an age that has come to obsess over the rule of law, an age increasingly ruled *by* law. Of course, the later Foucault moves in a somewhat different direction, toward a greater emphasis on biopolitics; but that is beyond our current concerns. For now, the point is that the Foucaultian vantage directs us to look for policing everywhere (Martin, *infra*). At the same time, by extension, it also warns us to distinguish between the anthropology of policing and the anthropology of police, between the general and the specific, the unmarked and the marked; after all, as Marx has been quoted as saying, “If everyone is a policeman, then no one is a policeman.” Which is much the same as saying that, if power/violence is everywhere, it is nowhere in particular; if its limits are not specified, its various forms left undifferentiated, it ceases being a useful concept or an object of theory. Both anthropologies have their value, patently – all the more so when the relationship

⁴ As Baltimore police lieutenant, Terry McLarney (2009:644) – the officer on whom a famous TV cop in the USA was based – put it in David Simon’s *Homicide*, “We police are obsessed with describing our fellow man,...everyone categorically defined.”

between them is carefully specified – and both appear in the chapters to follow, again to productive effect. So, too, does the attendant issue: what happens at the points at which *both* police and policing are visible primarily by their absence.

These theoretical dispositions are not the only ones whose traces, alone or in various combinations, run through *Police in Practice*; so, too, do those of other theoretical genealogies. But this volume of essays, precisely because it is ethnographically based – indeed, ethnographically rich and nuanced – forces us to complicate, rethink, and enlarge received views of law enforcement in several ways. Not only does it demonstrate that abstract, generalized-yet-narrow conceptions of policing – including some of those in the tradition of Weber, Benjamin, Marx, and Foucault – often caricature and simplify, decontextualize and dehistoricize the phenomenon. It makes a cogent case for the view that, if we are to take the full measure of “the pragmatics of police power” (Garriott, *infra*), we would be best served by a dialectical methodology: by a counterpoint of ethnographic discovery and critical theory, of the inductive and the deductive, that reads the empirical microscopy of everyday policing against the larger forces that give shape to it – forces inherent in the age of the market, of deregulation and privatization, of the fetishism of rights and the rule of law.

But this volume does more than point the way to an anthropology of police, more broadly conceived. It also raises a large number of questions, and a number of large questions, some of them addressed here, some that require further thought. For the sake of symmetry, let me mention just four – well, four clusters of questions – in descending order of elaboration.

The first is this: If we allow Benjamin’s thesis that police everywhere have the power to erase the line between the preservation and the enactment of the law – or, in the words of Rolling Stone and amateur ethnographer, Keith Richards (2008:14), who had a great deal of first hand experience in the matter, to bend and distend it every which way – how do we

account for the palpable *limits* of their sovereignty: for the fact that, in many parts, of the world, cops are regularly sued and indicted for excessive use of force and felonies of one kind or another? Note, in this respect, that Jackie Selebi, until recently a planetary supercop – not only was he South Africa’s police chief, but he was also head of Interpol – is now sitting out a fifteen year prison sentence for corruption, largely the result of having consorted with criminals. In other words, how, in a world so thoroughly subject to police power – to police-as-governance and governance-as-police, to invoke Garriott’s apt typification of its ever broadening purview – do we explain the hedges against its hegemony? Or the fact that, while there is a great deal of truth in Benjamin’s founding observation, not to mention in the Foucaultian insistence on the omniscience, omnipotence, and omnipresence of the police, that truth sometimes simply does not hold? Not only does police sovereignty run out at critical moments, but, as we shall see, it also encounters popular, effective refusal under the sign of informal justice (cf. Goldstein, *infra*), may be expropriated by other species of sovereign authority (that of organized crime, private enforcement, and corporate security, for example), and may itself decide that, save in exceptional circumstances, entire zones of unruly national space do not warrant its attention (e.g. Penglase, Caldeira, *infra*). And this is not to mention that it is often difficult even to know where to draw lines between regular police, private security, and the underworld. In short, wherein lie the outer bounds of police power, especially when the term is taken capaciously, as it rightly is throughout this book, to extend beyond the narrow confines of law enforcement and the management of crime on the part of the state? How, moreover, does the attribution of such extensive power to police – be it in the tradition of Weber, Benjamin, Foucault, or Marx – square with a critical axiom of Egon Bittner’s classic criminology, refreshed recently, in an ethnographic key, by Jonny Steinberg (2008): that populations are only policeable to the degree, and in the domains, that they themselves *want* to be policed? Could there be a

connection between this incongruity and the tendency of police, when faced with the limits of their own sovereignty, to engage in spectacle and/or to ramp up their own public pedagogy, thereby to manage the metaphysics of dis/order?

Second, a paradox, one alluded to earlier. How is it that, in many places, populations – of different classes, races, genders, generations, ethnicities – express an urgent desire for “more policing,” more uniformed officers on their streets, while, at the same time, they are quick to accuse cops of being violent, venal, corrupt, and incompetent, indeed, habitually criminal? Where they have the means, it seems, citizens almost everywhere are turning in greater numbers to the private sector, including to organized crime, for the protection of their property and persons – and where they lack the means, to “informal justice,” a.k.a. vigilantism – while all the time insisting that the primary function of the state is to safeguard their security. Patently, this is a refraction of a more general phenomenon in the contemporary world: the contradictory tendency among populations to want *less* government on one hand, and yet, on the other, to demand ever more from the state, including more effective law enforcement, tighter regulation of borders, and harsher treatment of offenders. *Homo politicus*, it seems, desires *both* greater freedom from constraint, obligation, responsibility, surveillance *and* greater security, certainty, protection, order. (So, patently, does the corporate world; capital, after all, has always profited at once from chaos and disorder *and* from protection by the state.) How, precisely, are the bipolar yearnings of *homo politicus* to be explained? How, schismogenetically, can these different polarities, of more *and* less, excess *and* absence, coexist in popular discourse, especially under conditions in which crime-and-policing is the register in which much political debate is engaged?

Third, and closely related, given that ever more policing and military operations have migrated to the private sector – and infused each other, often in promiscuous, legally opaque

ways – how do we refashion our conceptualization of the state accordingly? How does the outsourcing to the market of the monopoly over the use of legitimate force affect the sovereign authority of governments and their law enforcement agencies? And how does it inflect our understanding, after Foucault, of the difference between *policing*, in the broad sense of the term, and the work of the *police*, in its more narrow sense? How, indeed, do we theorize the relationship between the former and the latter? Or is it merely a matter of historical contingency, differently construed in different times and different places?

Fourth, and finally, the Big Question, the one in which the other three are all subsumed: to what extent, and in what manner, have regimes of policing themselves become imbricated in, and refashioned by, the material life and cultural practices of the contemporary moment in world history? Patently, the great theoretical traditions of Weber, Marx, Benjamin, and Foucault gave voice to the emerging realities – to the contradictions, aspirations, anxieties – of a particular world-historical epoch, the epoch of rising industrial capitalism and the modernist nation-state. How is our epoch, an epoch still struggling to define itself – it is now often referred to, of course, as the age of global neoliberalism, but with a heavy measure of agnosticism, irony, caveat, uncertainty – to make sense of the way that *it* is being policed? How, as the nation-state form is mutating, are emerging forms of police power congealing within it? And how are they to be best typified and accounted for?

The answer to this last question, indeed to all the questions, lies at the heart of an anthropology of police and policing still in its infancy, still unfolding. *Police in Practice* is a timely, very thoughtful invitation to take part in that unfolding. To which, on its own account, it makes a significant contribution precisely by demonstrating how much theoretical and analytic value is to be added by an ethnographically-rich approach to the topic. “A crime is like a crack in reality,” observes Natsuo Kirino, a Japanese feminist crime writer, playfully and

provocatively. “[I]t is an author’s role to explore those cracks” (French 2003:B1). The same is true of policing. Perhaps even more so. It, too, opens up cracks in the lineaments of reality, all the better for ethnographers to puzzle at what produced that reality to begin with, what sustains it, how it conduces to the regulation of social life. This volume peers through many such cracks. In so doing, it challenges us to contemplate anew the connections, at a particular historical moment, between the human condition and the manner of its policing.

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